

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Marilyn Jo Chinivasagam,

NO. CV 09-03136 JW  
NO. CV 10-04193 LHK

Plaintiff,

v.

**ORDER GRANTING MOTION TO  
RELATE CASES**

Equilon Enterprises, LLC, et al.,

Defendants,

Equilon Enterprises, LLC,

Plaintiff,

v.

Kenneth J. Ravizza, et al.,

Defendants.

Presently before the Court is Plaintiff Equilon Enterprises, LLC's ("Plaintiff") Motion to Consider Whether Cases Should be Related. (See Administrative Motion to Consider Whether Cases Should be Related, hereafter, "Motion," CV 09-03136-JW, Docket Item No. 73.) Plaintiff seeks the Court's determination as to whether Equilon Enterprises, LLC v. Ravizza, et al., Case No. CV 10-04193-LHK ("Second Action"), should be related to Chinivasagam v. Equilon Enterprises, LLC, Case No. CV 09-03136-JW ("First Action"). Plaintiff contends that both cases share a common party, concern the same property, questions of law, and facts regarding Plaintiff's right to receive payment for, or recovery of, its improvements on the real property in question. (Motion at 1-2.)

Civil Local Rule 3-12(a) provides:

An action is related to another action when:


- (1) The action concerns substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Here, the Court finds the two actions involve the same Plaintiff, the same real property, the same contracts, and the same request for return of equipment, improvements, and structures.<sup>1</sup>

Plaintiff alleges in both cases that Defendants have refused to allow Plaintiff to remove its equipment, improvements, and structures associated with the gas station located at 16601 Almaden Expressway, San Jose, California. (See id.) The Court finds that the two actions pose a substantial risk of inconsistent judgments regarding the ownership of the physical improvements and structures on the real property in question. In light of the substantial similarity of parties, property and events, the Court finds that there is a risk of “an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.” Thus, the Court finds that the cases are related within the meaning of Rule 3-12(a).

Accordingly, the Clerk of Court shall immediately relate Chinivasagam v. Equilon Enterprises, LLC, Case No. CV 09-03136-JW and Equilon Enterprises, LLC v. Ravizza, et al., Case No. CV 10-04193-LHK.

Dated: September 24, 2010

  
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JAMES WARE  
United States District Judge

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<sup>1</sup> (Compare Complaint, CV 10-04193-LHK, Docket Item No. 1 with Counterclaim of Equilon Enterprises, LLC for Declaratory Relief and Equitable Relief, CV 09-03136-JW, Docket Item No. 13-1.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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4 Thomas Paul Bleau bleaushark@aol.com

5 **Dated: September 24, 2010**

**Richard W. Wiekling, Clerk**

6 **By: /s/ JW Chambers**  
7 **Elizabeth Garcia**  
8 **Courtroom Deputy**